

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 541 be amended to read as follows:

- 1 Page 5, between lines 35 and 36, begin a new paragraph and insert:
2 "SECTION 4. IC 6-2.5-7-10 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JANUARY 1, 2010]: Sec. 10. (a) Each
4 refiner or terminal operator and each qualified distributor that has
5 received a prepayment of the state gross retail tax under this chapter
6 shall remit the tax received to the department semimonthly, **through**
7 **the department's online tax filing system**, according to the following
8 schedule:
9 (1) On or before the tenth day of each month for prepayments
10 received after the fifteenth day and before the end of the
11 preceding month.
12 (2) On or before the twenty-fifth day of each month for
13 prepayments received after the end of the preceding month and
14 before the sixteenth day of the month in which the prepayments
15 are made.
16 (b) Before the end of each month, each refiner or terminal operator
17 and each qualified distributor shall file a report covering the prepaid
18 taxes received and the gallons of gasoline sold or shipped during the
19 preceding month. The report must include the following:
20 (1) The number of gallons of gasoline sold or shipped during the
21 preceding month, identifying each purchaser or receiver as
22 required by the department.
23 (2) The amount of tax prepaid by each purchaser or receiver.
24 (3) Any other information reasonably required by the department.
25 SECTION 5. IC 6-2.5-7-14, AS AMENDED BY P.L.176-2006,
26 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 APRIL 1, 2009 (RETROACTIVE)]: Sec. 14. (a) Before **March 10**,
28 June 10, **September 10**, and December 10 of each year, the department
29 shall determine and provide to:
30 (1) each refiner and terminal operator and each qualified
31 distributor known to the department to be required to collect

prepayments of the state gross retail tax under this chapter; and
 (2) any other person that makes a request;
 a notice of the prepayment rate to be used during the following ~~six (6)~~
~~three (3)~~ month period. ~~The department shall also have the prepayment~~
~~rate published in the June and December issues of the Indiana Register.~~
The department, after approval by the office of management and
budget, may determine a new prepayment rate if the department
finds that the statewide average retail price per gallon of gasoline,
excluding the Indiana and federal gasoline taxes and the Indiana
gross retail tax, has changed by at least twenty-five percent (25%)
since the most recent determination.

(b) In determining the prepayment rate under this section, the department shall use the most recent retail price of gasoline available to the department.

(c) The prepayment rate per gallon of gasoline determined by the department under this section is the amount per gallon of gasoline determined under STEP FOUR of the following formula:

STEP ONE: Determine the statewide average retail price per gallon of gasoline, excluding the Indiana and federal gasoline taxes and the Indiana gross retail tax.

STEP TWO: Determine the product of the following:

(A) The STEP ONE amount.

(B) The Indiana gross retail tax rate.

(C) ~~Ninety Eighty percent (90%).~~ **(80%).**

STEP THREE: Determine the lesser of:

(A) the STEP TWO result; or

(B) the product of:

(i) the prepayment rate in effect on the day immediately preceding the day on which the prepayment rate is redetermined under this section; multiplied by

(ii) one hundred twenty-five percent (125%).

STEP FOUR: Round the STEP THREE result to the nearest one-tenth of one cent (\$0.001)."

Page 60, line 4, after "quarry" insert "**or mine**".

Page 60, line 10, delete "." and insert "**or mine.**".

Page 78, between lines 33 and 34, begin a new paragraph and insert:

"SECTION 65. [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)] **(a) A prepayment rate determined by the**

- 1 **department under IC 6-2.5-7-14, as amended by this act, that took**
2 **effect after December 31, 2008, is hereby legalized and validated.**
3 **(b) This SECTION expires December 31, 2009."**
4 Renumber all SECTIONS consecutively.
 (Reference is to SB 541 as printed January 30, 2009.)

Senator HERSHMAN